

UNITED STATES DISTRICT COURT

DISTRICT OF RHODE ISLAND

JOHN DOE,

Plaintiff,

v.

C.A. NO.: 19-326-JJM-PAS

PROVIDENCE COLLEGE,

Defendant.

**DEFENDANT PROVIDENCE COLLEGE'S
MOTION TO FILE A DECLARATION IN
SUR-REPLY TO PLAINTIFF'S REPLY IN SUPPORT OF
HIS MOTION FOR TEMPORARY RESTRAINING ORDER AND
PRELIMINARY INJUNCTION**

Under Local Rule Cv. 7(a)(5), Defendant Providence College (the "College") requests leave to file a sur-reply. Specifically, the College wishes to file a declaration executed by Mark Pierce, its Director of Community Standards, to respond to the affidavit of Attorney Grasso, which was first filed and served on June 26, 2019 and was accompanied by Plaintiff's affidavit attesting to the allegations in his complaint. Plaintiff should have filed his and Attorney Grasso's affidavits upon commencing this litigation and immediately moving for mandatory injunctive relief on June 13, 2019 or at least before the College's prompt filing of its objection on June 19, 2019.

The College seeks to file Mr. Pierce's declaration to address and correct certain representations and the chronology stated in Attorney Grasso's affidavit, which the College maintains are inaccurate or incomplete. Given the issues discussed during counsel's conference call with the Court on June 14, 2019 and addressed in more detail in the parties' subsequent briefing, the College submits that Mr. Pierce's declaration will provide relevant and necessary information for the Court's full review of the pending matters.

Regarding the College's pending motion to dismiss Plaintiff's complaint, Plaintiff's objection is due by Wednesday, July 3, 2019. To avoid any delay in this litigation, if the Court permits the College to file a sur-reply, it will submit Mr. Pierce's declaration by July 3, 2019.

PROVIDENCE COLLEGE

By its Attorney,

/s/ Steven M. Richard

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Dated: June 27, 2019

CERTIFICATE OF SERVICE

I certify that on the 27th day of June, 2019, I filed and served this motion to for leave to file a sur-reply via the Court's CM/ECF system.

/s/ Steven M. Richard
